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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/038,907

01/08/2002

Kathryn C. Turner

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02/28/2006

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EXAMINER

BLECK, CAROLYN M

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,907

Applicant(s)

TURNER ET AL.

Examiner

Carolyn M. Bleck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/5/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the application filed on 8 January 2002. Claims 1-22 are pending. The IDS filed on 5 April 2002 has been entered and considered.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 1008 in Figure 10. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

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3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because it exceeds 150 words.

Correction is requested. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2, line 2, "the groups of potential respondents" lacks proper antecedent basis. For purposes of applying prior art, the Examiner is interpreting "the groups of potential respondents" to be "at least one group of potential respondents."

Claim 8 recites "transmitting the request from the respondent to at least one of members of the respondent's group and another group of respondents." The Examiner

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requests clarification as to whether claim 8 should instead recite “transmitting the response” because the respondent is the one answering the request in the form of a response.

Claim 20, line 1, “the computer program product according to claim 18” lacks proper antecedent basis. Claim 18 refers to a system claim. For purposes of applying prior art, the Examiner interprets claim 20 to be dependent on claim 19.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 2, 4, 9-10, 15, 17, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda (US 2002/0038302 A1).

(A) As per claim 1, Maeda discloses a method for generating and distributing a questionnaire to specified target users (reads on “workflow”) (par.2) comprising:

(a) receiving from a requestor of a questionnaire, questions generated based on a form (reads on “a request from a user”), wherein the requestor selects and specifies question and answer items via a questionnaire form displayed on the requestor PC, and wherein the questionnaire is inputted via a network into the inputting unit of the

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questionnaire server and is then stored in a questionnaire database on the questionnaire server (Fig. 1, par. 7 lines 1-9, par. 29, par. 31-32, par. 37 lines 1-10);

(b) sending the questionnaire to a user PC for which the questionnaire is targeted by the target selection, wherein the requestor determines criteria that are used to determine the actual questionnaire target users (reads on "at least one group of potential respondents"), wherein the requestor is able to input closing conditions for the questionnaire such as the desired number of respondents and the maximum number of mails to be distributed (Fig. 4-5 and 9, par. 34-36, par. 37 lines 1-10, par. 40-41, claim 1);

(c) receiving an answer from the user PC (reads on "one respondent"), wherein the user PC is one for which the questionnaire is targeted by the target selection, wherein the target selection criteria determine target users for the questionnaire (reads on "at least one group of potential respondents"), and outputting the answer result of the user PC to the requestor PC (reads on "transmitting a response to the user") (Fig. 1 #28 and 34, par. 35, 40, 42); and

(d) inputting closing conditions of the questionnaire such as the desired number of respondents by the requestor PC, and then upon receiving an answer from the user PC, sending a signal to a transmitter (112) so that the transmitter can restrict the distribution of the questionnaire and the answers collected from then on may be stored in a temporary area or discarded, wherein the distribution and collection of the questionnaire is closed when the number of respondents reaches a certain number (Fig. 5-6, par. 35-37 lines 1-10, par. 40, par. 43).

It is respectfully submitted that Maeda does not expressly disclose limiting the group of respondents to "one respondent." However, as discussed above, Maeda clearly discloses that the requestor PC can input closing conditions which include the desired number of respondents, where the questionnaire is closed once the desired number of respondents is reached (Fig. 5-6, par. 35-37 lines 1-10, par. 40, par. 43). It is respectfully submitted that Maeda's method can include a step of setting the desired number of respondents to one, and thus once the first respondent had responded to the questionnaire the transmitter of Maeda would restrict or close the questionnaire (Fig. 5-6, par. 35-37 lines 1-10, par. 40, par. 43). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the feature of "limiting the group of respondents to one" with the motivation of allowing a user to terminate the questionnaire once a particular closing condition is met (Maeda; par. 7, 36) to avoid receiving more questionnaires than are necessary to answer a particular set of questions.

(B) As per claim 2, Maeda discloses providing a requester PC with a form for inputting criteria to choose a questionnaire target, wherein the requester selects criteria, wherein the criteria are used to determine the actual questionnaire target users, wherein the questionnaire is then sent to the users for which the questionnaire is targeted by the target selection (reads on "groups of potential respondents to transmit the request to") (Fig. 5-6, par. 34, par. 36-37, par. 40). As per the recitation of "groups of potential respondents," the Examiner respectfully submits that Maeda discloses setting the

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desired number of respondents to a particular number (par. 36). For example, Maeda discloses the number being 1000 (par. 36). This is considered to be a form of "at least one group of potential respondents." (See the discussion in section 6 above for the interpretation of the prior art with regards to claim 2.)

(C) As per claim 4, Maeda discloses providing to the requestor PC answer results from target users (par. 40, 42). It is noted that the "answer results" is an indication that a response has arrived from "a potential respondent" even if there are multiple target users' responses.

(D) As per claim 9, Maeda discloses a receiver receiving an answer from the user PC (reads on "respondent"), an answer aggregating unit aggregating the answers from the user PC, and the aggregating answer unit then transmitting an answer result (reads on "termination message") to the requestor PC (reads on "user"), wherein the answer result can be sent when a closing condition is met and the survey is terminated (par. 36 lines 14-20, par. 40 lines 1-10, par. 42 lines 1-5).

(E) As per claim 10, Maeda discloses the method described in claim 1 being performed using the web, web pages, or email (par. 8, 29, and 40). It is noted that the "web" is considered to be a form of communicating over the internet or intranet.

(F) Claim 15 differs from claim 1 by reciting that “a server connected to a communication media” performs the steps of claim 1. As per this limitation, Maeda discloses a questionnaire server (10) connected via networks to a questionnaire requestor (PC) and a user PC (Fig. 1, par. 8, 29, claims 1-8). The remaining features of claim 15 repeat the limitations of claim 1, and are therefore rejected for the same reasons given for claim 1, and incorporated herein.

(G) As per claim 17, Maeda discloses a communication network such as the web (par. 8, 29, and 40). It is noted that the “web” is considered to be a form of communicating over the wide area network.

(H) Claim 19 differs from claims 1 and 15 by reciting “a computer program product comprising a computer readable medium, computer program instructions, recording on the computer readable medium, executable by a processor” for performing the steps of claim 1. As per these elements, Maeda discloses a server for performing the method of claim 1, comprising a database, a CPU, memory, and a program loaded in memory, wherein the hardware and software components can achieve the functions of the blocks shown in Figure 1 (par. 8, 29, claims 1-8). The remaining features of claim 19 repeat the limitations of claims 1 and 15, and are therefore rejected for the same reasons given for claims 1 and 15, and incorporated herein.

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(I) Claim 21 differs from claims 1, 15, and 19 by reciting “a processor operable to execute computer program instructions, a memory operable to store computer program instructions executable by the processor” for performing the steps of claim 1. As per these elements, Maeda discloses a server for performing the method of claim 1, comprising a database, a CPU, memory, and a program loaded in memory, wherein the hardware and software components can achieve the functions of the blocks shown in Figure 1 (par. 8, 29, claims 1-8). The remaining features of claim 21 repeat the limitations of claims 1, 15, and 19, and are therefore rejected for the same reasons given for those claims, and incorporated herein.

9. Claims 3, 6-8, 11-13, 16, 18, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda (US 2002/0038302 A1) as applied to claims 1, 15, 19, and 21 above, and further in view of Turner et al. (US 2003/0177030 A1).

(A) As per claim 3, the teachings of Maeda are incorporated herein.

Maeda does not expressly disclose the request being transmitted to a plurality of groups of potential respondents.

Turner discloses posting questions to a virtual bulletin board or forum, wherein the questions are posted to groups of users, wherein the groups of users include administrative departments such as the billing department and another group, such as the physicians, nurses, or caregivers, wherein a responsible party can submit messages to both administrators and staff assigned to treat the patient, as well as posting

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messages to the patient himself and/or the responsible party, wherein the responsible party can read or review messages posted from administrative employees and staff members of the patient (par. 28 lines 1-12, par. 29 lines 1-10, *see in particular par. 36*, par. 43 lines 1-13, par. 45 lines 8-12).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the features of Turner within the method of Maeda with the motivation of reducing the amount of time that caregivers have to spend answering the same questions for different parties by providing a virtual bulletin board for caregivers to post information (Turner; par. 45, lines 4-13).

(B) As per claim 6, the teachings of Maeda are incorporated herein.

Maeda fails to expressly disclose "wherein information concerning the request flows between the user and respondent until the request is resolved."

Turner discloses allowing users in a second security level to post questions, allowing users in a fourth security level to answer questions, and allowing users in the second security level to read postings answered by the fourth security level (par. 27 lines 1-9, par. 29 lines 1-12). It is noted that the posting, answering, and reading of questions is considered to be a form of information flowing until a request is resolved (i.e., user in the fourth security level answers the question.)

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the features of Turner within the method of Maeda with the motivation of reducing the amount of time that caregivers have to spend answering

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the same questions for different parties by providing a virtual bulletin board for caregivers to post information (Turner; par. 45, lines 4-13).

(C) As per claim 7, the teachings of Maeda are incorporated herein.

Maeda fails to expressly disclose receiving comments from members of a users group authorized to view the user's request.

Turner discloses a responsible party submitting messages to both administrators and staff assigned to treat the patient, as well as posting messages or questions to the patient himself and the responsible party, wherein the responsible party includes a person holding a power of attorney, the patient's spouse, a parent or guardian, or the patient himself, wherein the responsible party is in the second security level and has the ability to access background information and medical records in addition to having the ability to post questions to caregivers or the patient and to read postings regarding the patient, wherein the responsible party accesses information based on a password (par/ 26, par. 27 lines 1-9, par. 35 lines 5-11, par. 36 lines 1-13, par. 38 lines 1-4, par. 42 lines 1-13, par. 43 lines 1-11). It is respectfully submitted that Turner's disclosure of a responsible party posting a message to the patient and/or the responsible party is a form of "receiving comments from members of a user's group authorized to view the user's request" (i.e. a responsible party can post a message to the responsible party and the responsible party is given access to read the messages/postings based on a password).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the features of Turner within the method of Maeda with the motivation of increasing the quality, efficiency, and consistency of communication between caregivers and responsible or concerned parties relating to a particular patient (Turner; par. 45 lines 1-4).

(D) As per claim 8, the teachings of Maeda are incorporated herein.

Maeda fails to expressly disclose transmitting the request from the respondent to at least one of members of the respondent's group and another group of respondents.

Turner discloses posting a question to a virtual bulletin board or forum by a concerned party, such as a non-responsible or responsible party (reads on "respondent"), wherein the questions are posted to groups of users (reads on "at least one of... another group of respondents"), wherein the groups include administrative departments such as the billing department and another group, such as the physicians, nurses, or caregivers, wherein a responsible party can submit messages to both administrators and staff assigned to treat the patient, as well as posting messages to the patient himself and/or the responsible party, wherein the responsible party can read or review messages/answers posted from administrative employees, staff members of the patient (par. 26 lines 11-18, par. 27 lines 1-9, par. 28 lines 1-12, par. 29 lines 1-10, par. 36, par. 43 lines 1-13, par. 45 lines 8-12).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the features of Turner within the method of Maeda with

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the motivation of reducing the amount of time that caregivers have to spend answering the same questions for different parties by providing a virtual bulletin board for caregivers to post information (Turner; par. 45, lines 4-13).

(E) As per claims 11 and 18, the teachings of Maeda are incorporated herein.

Maeda fails to expressly disclose the workflow facilitating coordination of care of an individual.

Turner discloses a method and system having a multi-level security clearance system (reads on “workflow”) for allowing a first security level for a non-responsible third party such as friends or distant relatives of the patient, a second security level for allowing responsible parties such as a person holding a power of attorney, the patient’s spouse, parent or guardian to have a greater degree of access to information and to post questions to caregivers (reads on “facilitates coordination of care of an individual”), a third security level for users who are employed in administrative departments of a treatment system to input billing and treatment information (reads on “facilitates coordination of care of an individual”), and a fourth security level for physicians, nurses, or other caregivers for updating patient records and answering questions left by concerned parties (reads on “facilitates coordination of care of an individual”) (par. 25, par. 26 lines 1-15, par. 27 lines 1-9, par. 28 lines 1-14, par. 29 lines 12).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the features of Turner within the method and system of Maeda with the motivation of providing a communication system that meets the

demands of caregivers and family members but also provides adequate security to protect a patient's confidential medical records (Turner; par. 4 lines 7-11).

(F) As per claims 12, 16, 20, and 22, the teachings of Maeda are incorporated herein.

Maeda fails to expressly disclose storing data associated with a cared-for individual in a data storage device coupled to a server, the server accessible by a plurality of user interface devices via a communication media; and receiving a business rule associated with the data over the communication media transmitted from one of the plurality of user interface devices, the business rule specifying access privileges of a member.

Turner discloses storing patient information in data storage devices connected to the server, wherein the server is accessible by a plurality of terminals via a computer network such as the Internet (par. 22 lines 1-6, par. 23 lines 1-13); and entering a password assigned to a user based on one of four security levels to access the patient information (reads on "business rule"), wherein the password is entered via the terminals, wherein the server is connected to from the terminals via a network and the user inputs the password via an identification screen (Fig. 8), wherein the password is evaluated by the server to determine the level of access, if any, granted to the user (par. 22 lines 1-6, par. 23 lines 1-13, par. 25, par. 42, par. 43 lines 1-8).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the features of Turner within the method and system of Maeda with the motivation of providing a communication system that meets the

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demands of caregivers and family members but also provides adequate security to protect a patient's confidential medical records (Turner; par. 4 lines 7-11).

(G) As per claim 13, the teachings of Maeda are incorporated herein.

Maeda fails to expressly disclose displaying to the user only information and controls relevant to the user.

Turner discloses accessing information via a terminal, wherein the access depends on the level of security to which the person is entitled, wherein one level of security may allow a patient to access non-confidential discharge information and non-confidential background information on the physician (reads on "information relevant to the user") whereas another level of security may allow a user to access an administrative control screen with options to update information in the information system (reads on "controls relevant to the user") (par. 23 lines 1-13, par. 26 lines 1-23, par. 30 lines 1-19).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the features of Turner within the method and system of Maeda with the motivation of providing a communication system that meets the demands of caregivers and family members but also provides adequate security to protect a patient's confidential medical records (Turner; par. 4 lines 7-11).

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10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda (US 2002/0038302 A1) as applied to claim 1 above, and further in view of Peters et al. (5,893,098).

(A) As per claim 5, Maeda discloses providing to the requestor PC answer results from target users (par. 40, 42). It is noted that the "answer results" is an indication that a response has arrived from "a potential respondent" even if there are multiple target users.

Maeda fails to expressly disclose deleting the indication that a response has arrived from a potential respondent.

Peters discloses deleting a survey and/or any emails associated with a survey, wherein the emails identify response documents produced from processing of a survey document, wherein the survey entry is deleted if it is old (col. 12 lines 21-30, col. 20 line 41 to col. 21 line 8, col. 27 lines 49-52, col. 28 lines 6-12).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the features of Peters within the method of Maeda with the motivation of deleting information that is old (Peters; col. 5 lines 6-8) in order to provide responses that are relevant (Peters; col. 1 lines 58-62).

11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda (US 2002/0038302 A1) and Turner et al. (US 2003/0177030 A1) as applied to claims 1 and 13 above, and further in view of Ertel (5,307,262).

(A) As per claim 14, the teachings of Maeda and Turner, and the motivation for their combination are incorporated herein.

Maeda and Turner fail to expressly disclose sorting information in order of importance.

Ertel discloses sorting messages according to their relative importance (priority) for subsequent corrective action (col. 31 lines 35-56).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the features of Ertel within the method taught collectively by Maeda and Turner with the motivation of allowing a user to efficiently determine messages (or information) that is a priority, and thus prioritize individual cases for review (see Ertel, col. 5 lines 20-39).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied prior art teaches questionnaire agency system and method for conducting questionnaire on people who meet conditions (5,725,384), virtual human interface for conducting surveys (6,826,540), a stated network portal system and method (6,941,339), a survey method for handheld computers (US 2003/0088452 A1), and an article titled "Prognosis good for KM in patient treatment and diagnostics" (April 2003, KM World, Vol. 12, No. 4, pg. 14).

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn Bleck whose telephone number is (571) 272-6767. The Examiner can normally be reached on Monday-Thursday, 8:00am – 5:30pm, and from 8:30am – 5:00pm on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached at (571) 272-6776.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

14. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(571) 273-8300 [Official communications]

(571) 273-8300 [After Final communications labeled "Box AF"]

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(571) 273-6767 [Informal/ Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand-delivered responses should be brought to the Knox Building, Alexandria, VA.



Carolyn M. Bleck

Patent Examiner

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